

**EXHIBIT 6**

ORIGINAL

1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MARYLAND  
3  
4

5 XEROX CORPORATION, :

6 Plaintiff :

7 Vs. : CIVIL ACTION NO.

8 PHOENIX COLOR CORPORATION: L-02-CV-1734

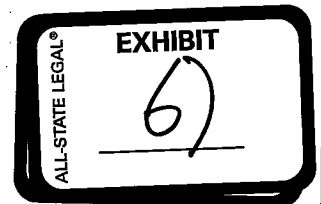
9 and TECHNIGRAPHIX, INC., :

10 Defendants :  
11 -----

12 Deposition of DONALD C. TYLER, taken on  
13 Wednesday, March 5, 2003, at 1:28 p.m., at the  
14 offices of Weinstock, Friedman & Friedman, P.A.,  
15 Executive Centre, 4 Reservoir Circle, Suite 200,  
16 Baltimore, Maryland, before Ilana E. Johnston,  
17 R.P.R. and Notary Public.  
18 -----

19  
20 Reported by:

21 Ilana E. Johnston, R.P.R.



CRC-SALOMON  
Baltimore, Maryland  
Phone (410) 821-4888 Fax (410) 821-4889

1 STATE OF MARYLAND

2 SS:

3 I, Ilana E. Johnston, RPR, a Notary Public  
4 of the State of Maryland, do hereby certify that  
5 the within named, DONALD C. TYLER, personally  
6 appeared before me at the time and place herein  
7 set out, and after having been duly sworn by me,  
8 was interrogated by counsel.

9 I further certify that the examination was  
10 recorded stenographically by me and this  
11 transcript is a true record of the proceedings.

12 I further certify that I am not of counsel  
13 to any of the parties, nor an employee of counsel  
14 nor related to any of the parties, nor in any way  
15 interested in the outcome of this action.

16 As witness my hand and notarial seal this  
17 10th day of March, 2003.

18  
19  
20 My commission expires: \_\_\_\_\_

21 December 1, 2004

Notary Public

CRC-SALOMON  
Baltimore, Maryland  
Phone (410) 821-4888 Fax (410) 821-4889

1 Exhibit No. 2, copy of business card, marked.)

2 Q. When did you utilize this card,  
3 Mr. Tyler?

4 MR. GAUMONT: Objection. Foundation,  
5 form.

6 Q. Do you remember?

7 A. After I was given the cards or once I  
8 received my promotion.

9 Q. Which was when?

10 A. In 1997 when I was promoted to  
11 vice-president, quality service management.

12 Q. If at any time you need to take a break,  
13 just let me know.

14 A. Thank you.

15 Q. Do you have any cards, business cards,  
16 with you today which indicate that you were the  
17 chief operating officer of TechniGraphix?

18 A. No, sir, I don't.

19 Q. Did you ever have any cards printed up  
20 indicating you were chief operating officer of  
21 TechniGraphix?

1 MR. GAUMONT: Objection to form.

2 A. I don't recall.

3 Q. Do you recall ever handing out cards  
4 indicating you were chief operating officer of  
5 TechniGraphix?

6 A. I don't recall.

7 Q. Sitting here today it's your testimony  
8 that during the year you were the chief operating  
9 officer of TechniGraphix you have no recollection  
10 of ever handing out a business card which  
11 indicates you were chief operating officer of  
12 TechniGraphix?

13 MR. GAUMONT: Objection. Compound,  
14 form.

15 Q. Is that your testimony?

16 A. That's correct, sir.

17 MR. FRIEDMAN: Here's a stack of  
18 documents we're going to go through. I would  
19 like to start with -- let's do this, if you don't  
20 mind. Let's mark this as an exhibit next on  
21 behalf of Mr. Tyler.

1 A. Repeat the question, please.

2 Q. Would you have signed this lease if your  
3 name was not printed out or written out above  
4 where you signed?

5 MR. GAUMONT: Objection to form. Asked  
6 and answered.

7 A. No, sir.

8 Q. No. Would you have signed this lease  
9 agreement if the customer's name was not filled  
10 out?

11 MR. GAUMONT: Objection to form.

12 A. Yes, sir.

13 Q. Why?

14 A. Because in my dealings with Xerox over  
15 the period of time on numerous lease agreements  
16 my concentration was that I was purchasing the  
17 meat of the contract, which is the components of  
18 the 6180 and the current lease breakdown and my  
19 name and Bruce's name.

20 Q. So it didn't matter to you whose name  
21 was in the space marked customer's legal name?

1 Q. Is that your testimony?

2 A. I concentrated on the meat of the  
3 contract, sir.

4 Q. So that means you didn't care whether  
5 the customer's name was filled out, correct?

6 MR. GAUMONT: Objection. Form,  
7 characterization.

8 A. No, sir.

9 Q. You did care.

10 MR. GAUMONT: Objection. How many  
11 questions you got out there?

12 Q. You did care.

13 A. Sir, your question was did I look to see  
14 if the name was filled out. And I stated to you  
15 that I concentrated solely on the components of  
16 the contract, the lease agreement and the price.

17 Q. Was it important to you whether the name  
18 of the customer was filled out when you signed  
19 the lease?

20 MR. GAUMONT: Objection to form.

21 A. I did not look at the top of the

1 contract on every contract, sir.

2 Q. Was it important to you whether the name  
3 of the customer was filled out? That's my  
4 question.

5 MR. GAUMONT: Objection to form.

6 A. I can't answer that.

7 Q. I take it then it was not important to  
8 you.

9 MR. GAUMONT: Objection.  
10 Characterization, form.

11 A. Yes, sir, it was important to me.

12 Q. It was important to you, but you didn't  
13 look to see whether it was filled out; is that  
14 your testimony?

15 MR. GAUMONT: Objection to form.

16 A. Yes, sir.

17 Q. Okay. But sitting here today, you don't  
18 have any recollection as to whether it was filled  
19 out completely or not; is that correct?

20 A. No, sir, I don't recall.

21 Q. I will tell you now that the rest of the



Q. We're now looking at Exhibit 4, Bates No. 2504. I believe this is going to be a series of lease agreements all dated December the 10th, 1999, but we'll see in a second because we're going to go through each one.

A. Okay.

Q. The first one is Bates No. 2504. Is that your signature at the bottom of that lease agreement?

A. Yes, sir, it is.

Q. Do you have any recollection sitting here today whether this was completely filled out before you signed it?

MR. GAUMONT: Objection to form.

A. I can't recall.

Q. Okay. Do you have recollection sitting here today whether the words Don Tyler were printed above your signature under the customer's name?

A. I can't recall.

Q. Is there any reason why when you signed

1 that you didn't put in your title --

2 MR. GAUMONT: Objection. Form,  
3 foundation.

4 Q. -- to your recollection?

5 MR. GAUMONT: Objection to form and  
6 foundation.

7 A. I can't recall.

8 Q. Is there any recollection sitting here  
9 today whether the customer's name was filled out  
10 prior to your signing?

11 A. I can't recall.

12 Q. Okay. Bates No. 2505, lease agreement  
13 dated December the 10th, 1999. Is that your  
14 signature at the bottom of that lease agreement?

15 A. Yes, sir, it is.

16 Q. Do you have any recollection sitting  
17 here today whether that lease agreement was  
18 completely filled out when you signed it?

19 MR. GAUMONT: Objection to form.

20 A. I can't recall.

21 Q. Do you have any recollection sitting

1 here today whether the words under the customer  
2 name were written in, those words being Don  
3 Tyler, vice-president, Phoenix Color Corporation?

4 MR. GAUMONT: Objection to form.

5 A. I can't recall.

6 Q. Do you have any recollection today as to  
7 whether the customer's name was written in before  
8 you signed it?

9 A. I can't recall.

10 Q. I apologize that this is so repetitive,  
11 but there's just no other way to do it.

12 Bates No. 2506, lease dated December  
13 the 10th, 1999. Is that your signature at the  
14 bottom of that lease agreement?

15 A. Yes, sir, it is.

16 Q. Do you have any recollection sitting  
17 here today whether that lease was fully filled  
18 out before you signed it?

19 A. I can't recall.

20 Q. Do you have any recollection sitting  
21 here today whether under the customer's name the

1 words Don Tyler, vice-president, Phoenix Color  
2 was written in before you signed it?

3 MR. GAUMONT: Objection to form.

4 A. I can't recall.

5 Q. Do you have any recollection sitting  
6 here today whether the customer's name was filled  
7 out before you signed it?

8 MR. GAUMONT: Objection to form.

9 A. I can't recall.

10 Q. Bates No. 2507. I'm going to speed this  
11 up since the questions are the same, so let's see  
12 if we can short-circuit this a little bit. Bates  
13 No. 2507, Bates No. 2508, Bates  
14 No. 2509, let's take those three. Is that your  
15 signature at the bottom of each one of those  
16 lease agreements?

17 A. Yes, sir, it is.

18 Q. Do you have any recollection sitting  
19 here -- and they were all signed or dated  
20 December the 10th, 1999, correct?

21 A. Yes, sir, they are.

1 Q. Do you have any recollection sitting  
2 here today whether the lease agreements that  
3 you've just identified were filled out before you  
4 signed?

5 MR. GAUMONT: Objection to form.

6 A. I can't recall.

7 Q. Do you have any recollection sitting  
8 here today whether your name under the customer  
9 portion was filled in, Don Tyler, vice-president,  
10 Phoenix Color Corporation?

11 MR. GAUMONT: Objection to form.

12 A. I don't recall.

13 Q. Do you have any recollection sitting  
14 here today as to whether the customer's name,  
15 Phoenix Color Corporation, was filled out before  
16 you signed it?

17 MR. GAUMONT: Objection to form.

18 A. I don't recall.

19 Q. Okay. Bates No. 2510, lease  
20 agreement. I note that there is no date. Would  
21 you agree with me?

1 A. Yes, sir, there is no date.

2 Q. Is that your signature at the bottom of  
3 that lease agreement?

4 A. Yes, sir, it is.

5 Q. Do you mind if I come around?

6 A. Yes.

7 Q. It's a little hard to bend over like  
8 that.

9 A. If you'd stand on this side.

10 Q. Sure. Is that your better ear over  
11 here?

12 A. Yes.

13 Q. Okay. Thank you. Do you have any  
14 recollection sitting here today whether the lease  
15 agreement that's Bates No. 2510 was filled out  
16 before you signed your name at the bottom?

17 MR. GAUMONT: Objection to form.

18 A. I don't recall.

19 Q. Do you have any recollection sitting  
20 here today whether the words Don Tyler were  
21 written in under the customer's name before you

1 signed it?

2 A. I don't recall.

3 Q. Do you have any recollection sitting  
4 here today whether the customer's name was filled  
5 out before you signed it?

6 MR. GAUMONT: Objection to form.

7 A. I don't recall.

8 Q. When you signed this document, is there  
9 any reason why you didn't fill in the date and  
10 your title under the customer's name?

11 MR. GAUMONT: Objection. Compound,  
12 form.

13 A. I don't recall.

14 Q. Bates No. 2511, lease agreement dated  
15 December the 10th, '99. Is that your signature  
16 at the bottom of that lease?

17 A. Yes, sir, it is.

18 Q. Do you have recollection sitting here  
19 today whether that was completely filled out  
20 before you signed it?

21 MR. GAUMONT: Objection to form.

1 A. I don't recall.

2 Q. Do you have any recollection sitting  
3 here today whether your name was written in under  
4 the customer portion, Don Tyler, vice-president,  
5 Phoenix Color?

6 MR. GAUMONT: Objection to form.

7 A. I don't recall.

8 Q. Do you have any recollection sitting  
9 here today whether the customer's name was filled  
10 in, Phoenix Color Corporation?

11 MR. GAUMONT: Objection to form.

12 A. I don't recall.

13 Q. Bates No. 2512, lease dated December the  
14 10th, '99. Is that your signature at the bottom?

15 A. Yes, sir, it is.

16 Q. Do you have any recollection sitting  
17 here today whether this lease was completely  
18 filled out before you signed it?

19 MR. GAUMONT: Objection to form.

20 A. I don't recall.

21 Q. Do you have any recollection sitting



1 here today whether your name was written in with  
2 the title at the bottom, Don Tyler,  
3 vice-president, Phoenix Color?

4 MR. GAUMONT: Objection to form.

5 A. I don't recall.

6 Q. Do you have any recollection sitting  
7 here today whether the customer's name was filled  
8 in under the lease agreement, Phoenix Color  
9 Corporation?

10 MR. GAUMONT: Objection to form.

11 A. I don't recall.

12 Q. Bates No. 2513, lease dated  
13 December 10,, '99. Is that your signature at the  
14 bottom?

15 A. Yes, sir, it is.

16 Q. Do you have any recollection sitting  
17 here today whether this was completely filled out  
18 before you signed it?

19 MR. GAUMONT: Objection to form.

20 A. I don't recall.

21 Q. Do you have any recollection sitting

1 here today whether your name was written out, Don  
2 Tyler, under the customer, with the title  
3 vice-president, Phoenix Color?

4 MR. GAUMONT: Objection to form.

5 A. I don't recall.

6 Q. Do you have any recollection sitting  
7 here today whether the name Phoenix Color  
8 Corporation was filled out as it is here where it  
9 says customer legal name?

10 A. I don't recall.

11 Q. Bates No. 2514, lease dated  
12 December 10, '99. Is that your signature at the  
13 bottom?

14 A. Yes, sir, it is.

15 Q. Do you have any recollection sitting  
16 here today whether this was filled out before you  
17 signed it?

18 MR. GAUMONT: Objection to form.

19 A. I don't recall.

20 Q. Do you have any recollection sitting  
21 here today whether your name was written in under

1 the customer name, Don Tyler, with title  
2 vice-president, Phoenix Color?

3 MR. GAUMONT: Objection to form.

4 A. I don't recall.

5 Q. Do you have any recollection sitting  
6 here today whether the customer legal name,  
7 Phoenix Color Corporation, was on the lease when  
8 you signed it?

9 A. I don't recall.

10 Q. Bates No. 2515, no date. Is that your  
11 signature at the bottom of that lease agreement?

12 A. Yes, sir, it is.

13 Q. Do you have any recollection as to  
14 whether this was completely filled out before you  
15 signed it?

16 A. I don't recall.

17 Q. Do you have any recollection whether  
18 your name under customer name, Don Tyler, was  
19 written in?

20 MR. GAUMONT: Objection to form.

21 A. I don't recall.

1 Q. Do you have any recollection whether the  
2 customer legal name, Phoenix Color Corporation,  
3 was written in as it's shown here?

4 A. I don't recall.

5 Q. Bates No. 2516, lease dated  
6 December 10, '99. Is that your signature at the  
7 bottom?

8 A. Yes, sir, it is.

9 Q. Do you have any recollection whether  
10 this was filled out as it is today before you  
11 signed it?

12 MR. GAUMONT: Objection to form.

13 A. I don't recall.

14 Q. Do you have any recollection whether  
15 your name, Don Tyler, was written in at the  
16 bottom with the title vice-president, Phoenix  
17 Color before you signed it?

18 MR. GAUMONT: Objection to form.

19 A. I don't recall.

20 Q. Do you have any recollection whether the  
21 name Phoenix Color Corporation was on the lease

1 agreement where it says customer legal  
2 name --

3 MR. GAUMONT: Objection to --

4 Q. -- before you signed it?

5 MR. GAUMONT: Objection to form.

6 A. I don't recall.

7 Q. Bates No. 2517, lease dated December the  
8 10th. Is that your signature at the bottom?

9 A. Yes, sir, it is.

10 Q. Do you have any recollection whether  
11 this was filled out as is before you signed it?

12 A. I don't recall.

13 Q. Do you have any recollection as to  
14 whether the customer name at the bottom where it  
15 says Don Tyler, title, vice-president, Phoenix  
16 was filled out before you signed it?

17 MR. GAUMONT: Objection to form.

18 A. I don't recall.

19 Q. Looking at the customer legal name where  
20 it says Phoenix Color Corporation, do you have  
21 any recollection whether that was filled out

1 before you signed it?

2 A. I don't recall.

3 Q. Bates No. 2518, lease dated  
4 December 10, '99. Is that your signature at the  
5 bottom?

6 A. Yes, sir, it is.

7 Q. Do you have any recollection whether  
8 that was filled out as is before you signed it?

9 MR. GAUMONT: Objection to form.

10 A. I don't recall.

11 Q. Do you have any recollection whether  
12 your name at the bottom where it says in writing  
13 Don Tyler and below that title, vice-president,  
14 Phoenix was filled out before you signed it?

15 MR. GAUMONT: Objection to form.

16 A. I don't recall.

17 Q. Do you have any recollection whether the  
18 customer legal name, Phoenix Color Corporation,  
19 was filled out before you signed it?

20 A. I don't recall.

21 Q. Bates No. 2519, lease dated

1 December 10, '99. Is that your signature at the  
2 bottom?

3 A. Yes, sir, it is.

4 Q. Do you have any recollection whether  
5 that lease was filled out as is before you signed  
6 it?

7 MR. GAUMONT: Objection to form.

8 A. I don't recall.

9 Q. Do you have any recollection whether  
10 your name, Don Tyler, vice-president, Phoenix  
11 Color, was filled out before you signed it?

12 MR. GAUMONT: Objection to form.

13 A. I don't recall.

14 Q. Do you have any recollection whether the  
15 name Phoenix Color was in the box for customer  
16 legal name before you signed it?

17 MR. GAUMONT: Objection to form.

18 A. I don't recall.

19 MR. FRIEDMAN: All right. Let's see  
20 what's next here. Let's have this next packet  
21 marked.

1 (Whereupon, Tyler Deposition  
2 Exhibit No. 5, lease agreements, marked.)

3 Q. This has been marked as Exhibit 5, and  
4 let's see if there's some way for me to speed  
5 this up a little bit and try to group it all  
6 together.

7 These are all copies, except for one  
8 page, of leases which are dated December the  
9 28th, 1999. Take a look at that entire packet  
10 and tell me -- and just so we're clear, so I can  
11 be clear, these are Bates Nos. 2520, 2521, 2522,  
12 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530,  
13 2531, 2532, 2533. Tell me if your signature  
14 appears at the bottom of those leases.

15 A. Yes, sir, that's my signature.

16 Q. Okay. Now, take another look at this  
17 and tell me whether you have any recollection  
18 sitting here today whether these leases were  
19 filled out and appear as they do today before you  
20 signed them.

21 A. No, sir, I don't recall.



1 Q. No recollection. Okay. Take a look and  
2 make sure or tell me whether you have any  
3 recollection today regarding the title above your  
4 signature on the leases. Was it filled out as it  
5 appears today before you signed it?

6 MR. GAUMONT: Objection to form.

7 A. I don't recall.

8 Q. Take a look at the customer's name and  
9 tell me if that was filled out as it appears  
10 today before you signed it.

11 MR. GAUMONT: Objection to form.

12 A. I don't recall.

13 Q. Okay. Bates No. 2534 is a lease dated  
14 December the 9th, 1999. Is that your signature  
15 at the bottom?

16 A. Yes, sir, it is.

17 Q. Do you have any recollection sitting  
18 here today whether this was filled out as it  
19 appears today before you signed it?

20 MR. GAUMONT: Objection to form.

21 A. I don't recall.

1 Q. Do you have any recollection sitting  
2 here today whether your name, Donald Tyler,  
3 vice-president, Phoenix Color was filled out as  
4 it appears today before you signed it?

5 MR. GAUMONT: Objection to form?

6 A. I don't recall.

7 Q. Do you have any recollection sitting  
8 here today whether the name Phoenix Color  
9 Corporation next to customer legal name was  
10 filled out before you signed it?

11 MR. GAUMONT: Objection to form.

12 A. I don't recall.

13 MR. FRIEDMAN: Next exhibit.

14 (Whereupon, Tyler Deposition  
15 Exhibit No. 6, lease agreements, marked.)

16 (Recess.)

17 Q. Tyler Exhibit 6.

18 MR. GAUMONT: Do you have a copy for me,  
19 Sidney?

20 MR. FRIEDMAN: It's all in there.

21 MR. GAUMONT: Oh, it is?